



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Rozwin Liera, Project Manager

Public Notice Date: April 20, 2006
Expiration Date: May 20, 2006
Reference: 200500082
Name: Back, Alan and Laurel
Thomson, Nigel and Linda

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANTS: Mr. Alan and Ms. Laurel Back
15908 Northeast 95th Way
Redmond, Washington 98052
Telephone: (425) 376-2770

Mr. Nigel and Ms. Linda Thomson
2007 Samish Crest Way
Bellingham, Washington 98229
Telephone: (360) 303-3205

AGENT: Ms. Stephanie Johnson O'Day
Post Office Box 2112
Friday Harbor, Washington 98250
Telephone: (360) 378-6278

LOCATION: In Mosquito Pass, at Henry Island, San Juan County, Washington

WORK: Construct a pier, install a ramp and float, drive piling, and pour grout.

PURPOSE: Provide boat moorage and waterfront access for joint-use shoreline recreation.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The bald eagle (*Haliaeetus leucocephalus*) threatened; Puget Sound bull trout (*Salvelinus confluentus*) threatened; Puget Sound Chinook (*Oncorhynchus tshawytscha*) threatened; Puget Sound/Georgia Strait coho (*Oncorhynchus kisutch*) species of concern; Marbled Murrelet (*Brachyramphus marmoratus*), threatened; Steller Sea-Lion, (*Eumetopias jubatus*), threatened; Leatherback Sea Turtle, (*Dermochelys coriacea*), endangered; Humpback Whale, (*Megaptera novaeangliae*), endangered; Killer Whale, (*Orcinus orca*), endangered; in the state of Washington, may occur in the proposed project area. For Puget Sound bull trout, Puget Sound Chinook, Marbled Murrelet, Steller Sea-Lion critical habitat has been designated. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will

evaluate the potential impacts to the bald eagle, Puget Sound bull trout, Puget Sound Chinook, Puget Sound/Georgia Strait coho, Marbled Murrelet, Steller Sea-Lion, Leatherback Sea Turtle, Humpback Whale, and Killer Whale.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact approximately 800 square feet of EFH for Pacific salmon, Groundfish, and Coastal Pelagic Species in the project area.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Due to the project area's position in the landscape, adjacent to a shoreline, there is a potential for unknown historic properties to occur in the project area. An historic properties investigation is being required for the permit review. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

200500082

ADDITIONAL EVALUATION: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

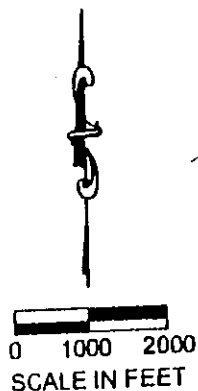
This proposal is the subject of Shorelines Substantial Development Permit No. HE 16-05 (05SJ001 which has been issued by San Juan County.

ADDITIONAL EVALUATION: The Environmental Protection Agency is reviewing this work for compliance with the applicable Federal water quality standards pursuant to Section 401 of the Clean Water Act.

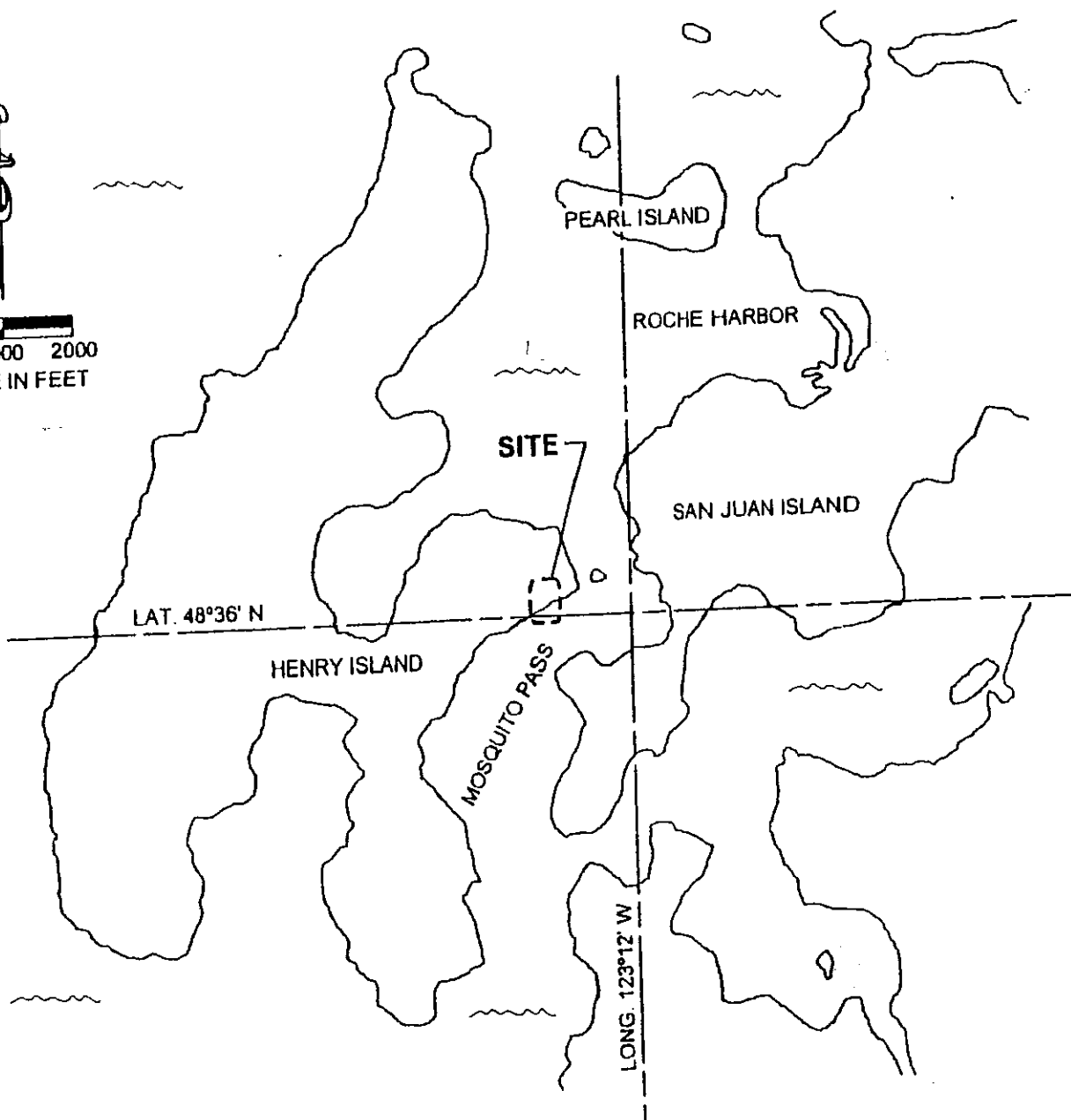
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to rozwin.k.liera@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Back, Allan and Laurel & Thomson, Nigel and Linda 200500082

Encl
Drawings (7)



H A R O S T R A I T



2005-00082

PURPOSE: CONSTRUCT NEW
JOINT USE FIXED PIER
AND FLOATING DOCK.

DATUM: MLLW = 0.0'

ADJACENT PROPERTY OWNERS:

(43) Paul & Thersea Jackson
4306 85th SE
Mercer Island, WA 98040

(46) Jill & Robert Neal
4729 Shellridge Road NW
Bellevue, WA 98005

VICINITY MAP

OWNERS AND ADDRESS:

(45) Nigel & Linda Thomson
2007 Samish Crest Way
Bellingham, WA 98229

(44) Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

IN: MOSQUITO PASS

AT: HENRY ISLAND

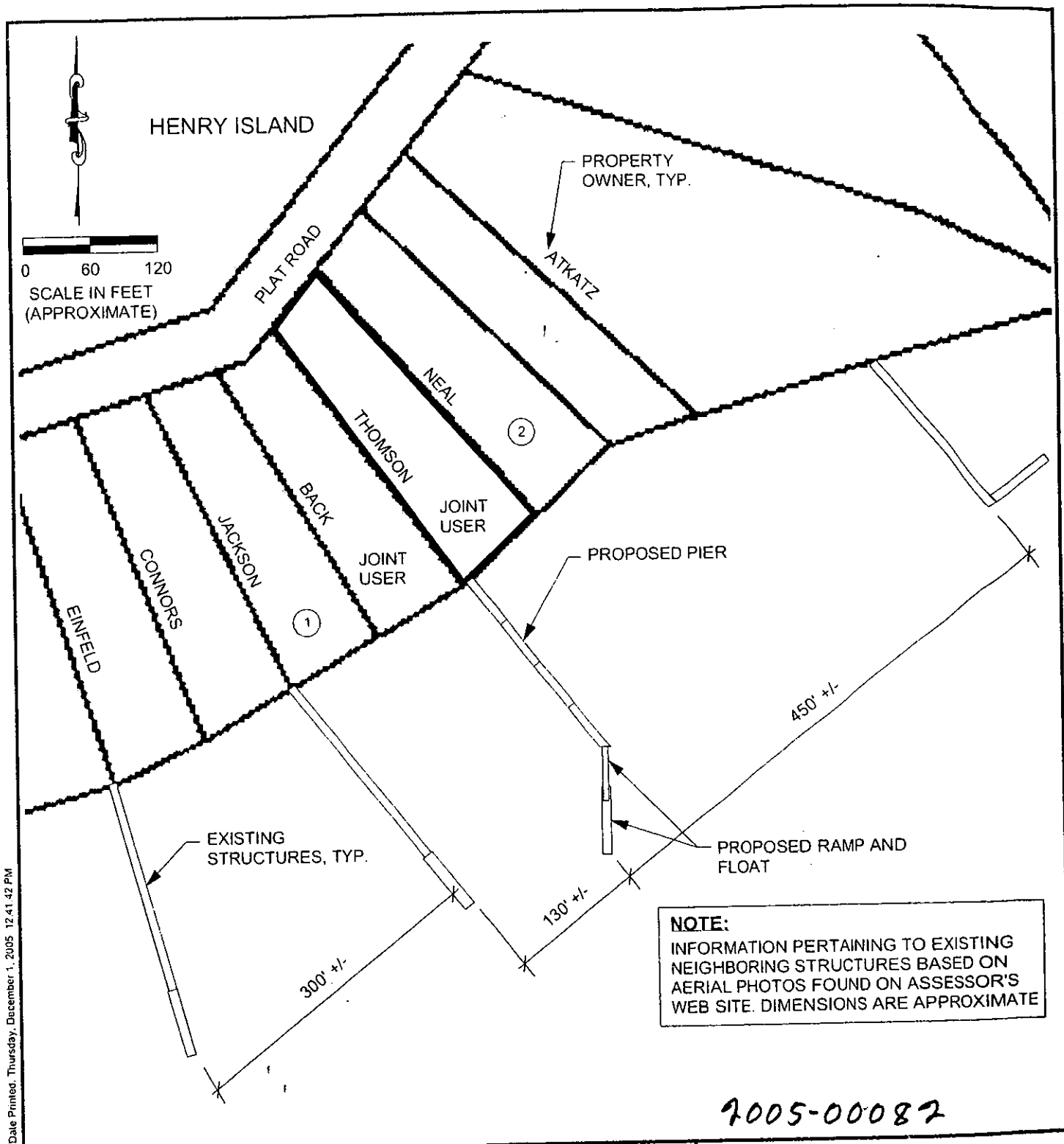
COUNTY: SAN JUAN

STATE: WA

APPLICANT: Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

SHEET 1 OF 7

13 DEC. 04
REV 2 Dec 05



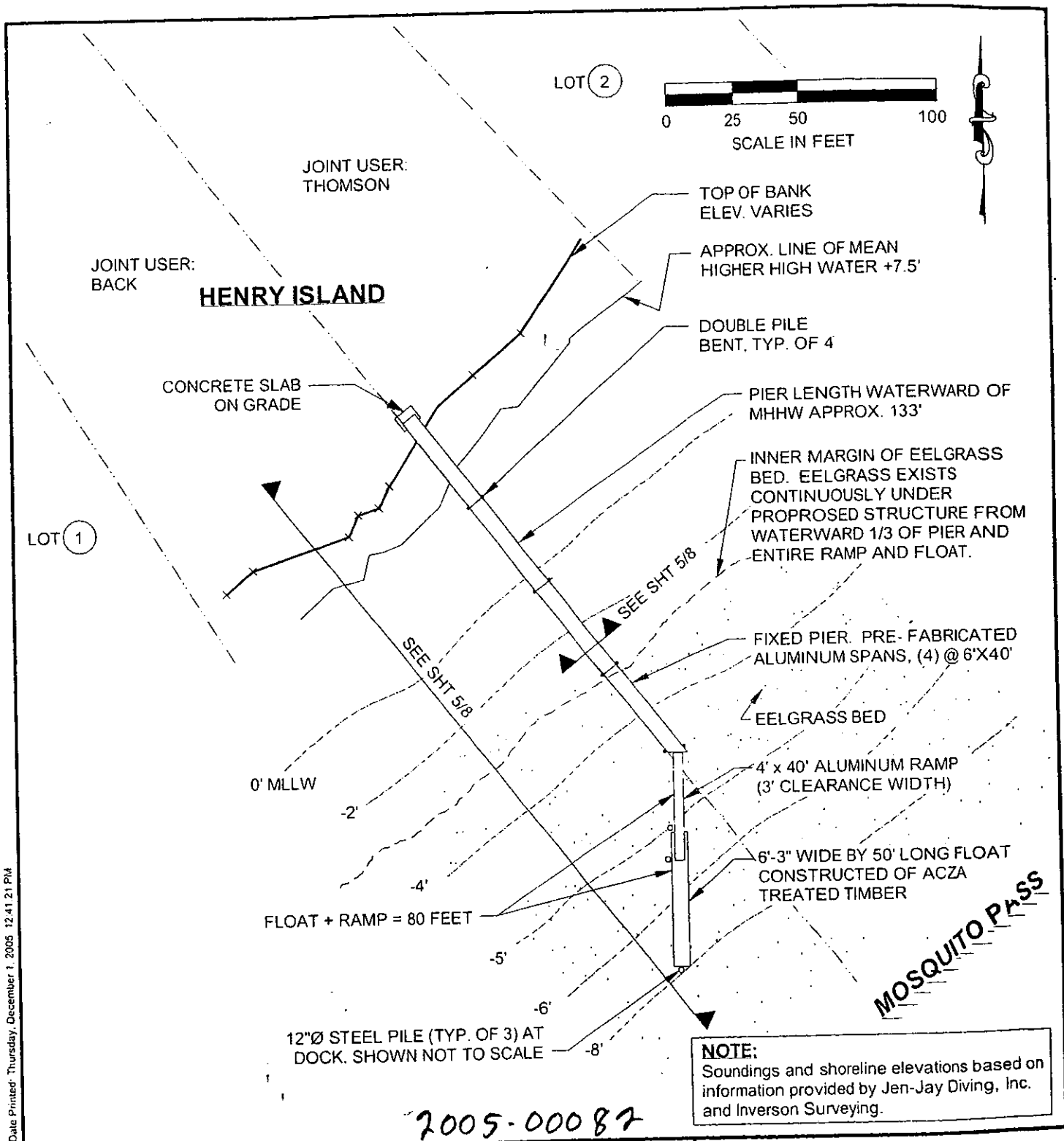
7005-00082

Date Printed: Thursday, December 1, 2005 12:41:42 PM
File Name: 204808 60 Parcel Map 2 3/8

<p>PURPOSE: CONSTRUCT NEW JOINT USE FIXED PIER AND FLOATING DOCK.</p> <p>DATUM: MLLW = 0.0'</p> <p>ADJACENT PROPERTY OWNERS:</p> <p>① Paul & Thersea Jackson 4306 85th SE Mercer Island, WA 98040</p> <p>② Jill & Robert Neal 4729 Shellridge Road NW Olympia, WA 98502</p>	<p>PARCEL MAP - 2</p> <p>JOINT USERS AND ADDRESSES:</p> <p>Nigel & Linda Thomson 2007 Samish Crest Way Bellingham, WA 98229</p> <p>Alan & Laurel Back 15908 NE 95th Way Redmond, WA 98052</p>	<p>IN: MOSQUITO PASS</p> <p>AT: HENRY ISLAND</p> <p>COUNTY: SAN JUAN STATE: WA</p> <p>APPLICANT: Alan & Laurel Back 15908 NE 95th Way Redmond, WA 98052</p> <p>SHEET 2 OF 7 REV. 2 DEC 05</p>
--	---	--

Date Printed: Thursday, December 1, 2005 12:41:21 PM

File Name: 204808 60 Site sht 4/8R



2005-00087

PURPOSE: CONSTRUCT NEW
JOINT USE FIXED PIER
AND FLOATING DOCK.

DATUM: MLLW = 0.0'

ADJACENT PROPERTY OWNERS:

① Paul & Thersea Jackson
4306 85th SE
Mercer Island, WA 98040

② Jill & Robert Neal
4729 Shellridge Road NW
Olympia, WA 98502

SITE PLAN

JOINT USERS AND ADDRESSES:

Nigel & Linda Thomson
2007 Samish Crest Way
Bellingham, WA 98229

Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

IN: MOSQUITO PASS

AT: HENRY ISLAND

COUNTY: SAN JUAN

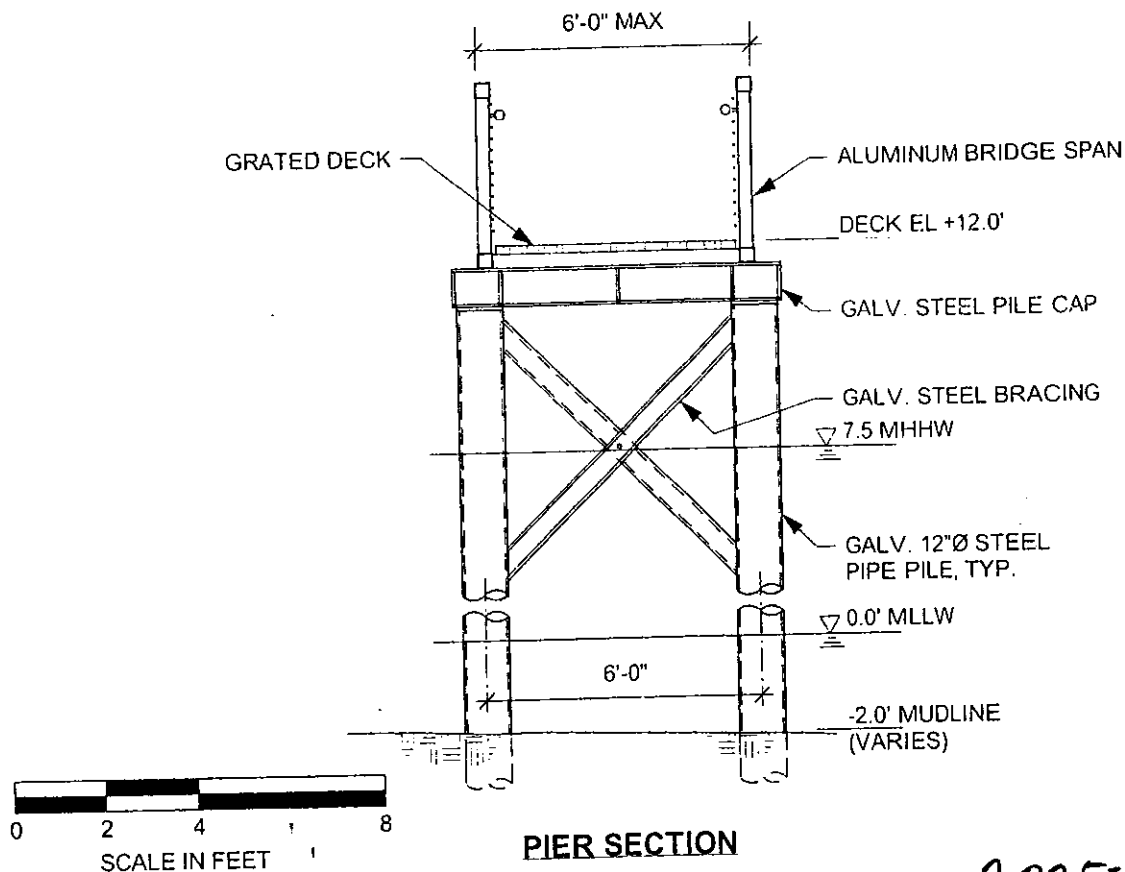
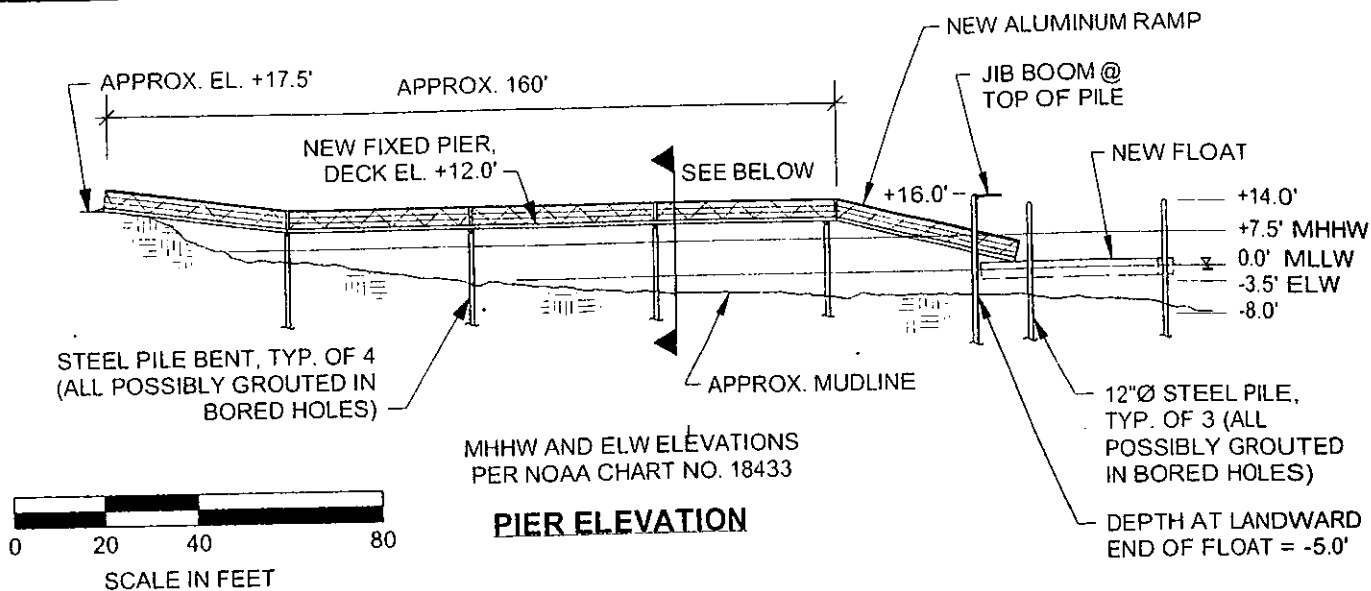
STATE: WA

APPLICANT: Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

SHEET 3 OF 7

REV. 2 DEC 05

GGHC #204808.60



2005-00082

PURPOSE: CONSTRUCT NEW
JOINT USE FIXED PIER
AND FLOATING DOCK.

DATUM: MLLW = 0.0'

ADJACENT PROPERTY OWNERS:

- 1 Paul & Thersea Jackson
4306 85th SE
Mercer Island, WA 98040
- 2 Jill & Robert Neal
4729 Shellridge Road NW
Olympia, WA 98502

PIER ELEVATION & SECTION

JOINT USERS AND ADDRESSES:

Nigel & Linda Thomson
2007 Samish Crest Way
Bellingham, WA 98229

Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

IN: MOSQUITO PASS

AT: HENRY ISLAND

COUNTY: SAN JUAN

STATE: WA

APPLICANT: Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

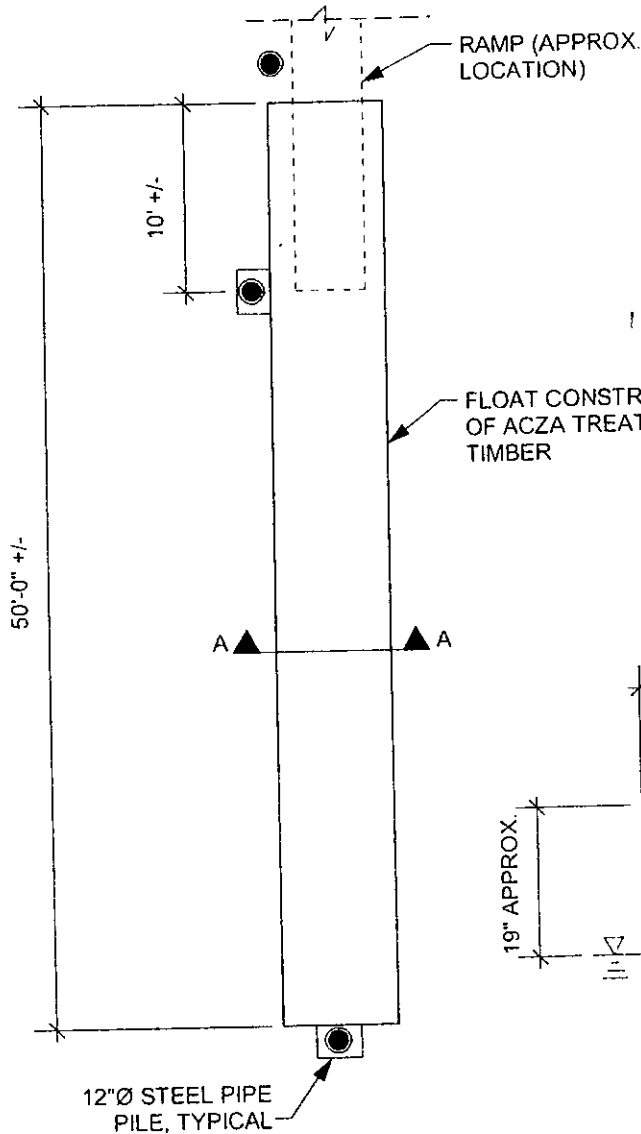
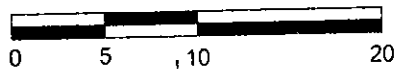
SHEET 4 OF 7

REV. 2 DEC 05

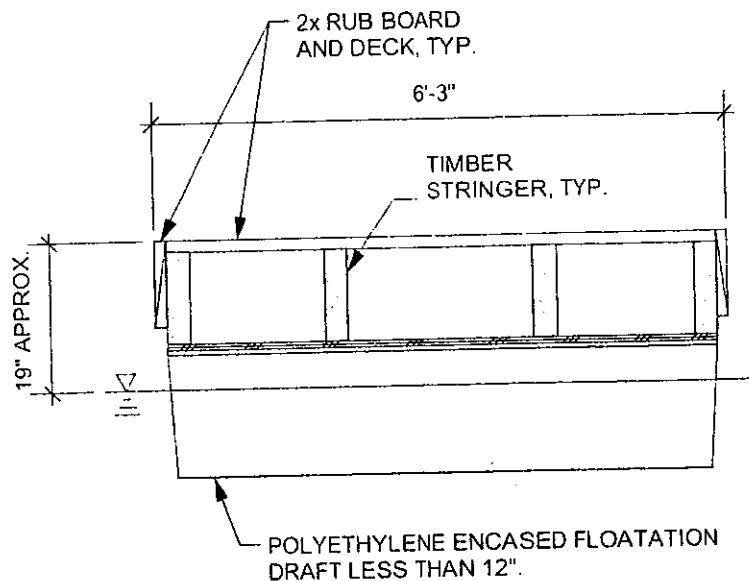
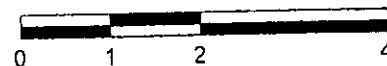
GGHC #204808.60

NOTE:

PER "TIDES + CURRENTS" SOFTWARE, LOWEST PREDICTED TIDE OVER NEXT 25 YEARS IS -3.5' (MLLW) AND IT OCCURS 4 TIMES; 6/4/08, 6/15/22, 6/15/26 AND 6/16/26. WITH FLOAT DRAFT OF LESS THAN 12", FLOAT WILL NOT GROUND

**DOCK PLAN**

SCALE IN FEET

**SECTION A-A**

SCALE IN FEET

2005-00082

PURPOSE: CONSTRUCT NEW
JOINT USE FIXED PIER
AND FLOATING DOCK.

DATUM: MLLW = 0.0'

ADJACENT PROPERTY OWNERS:

- ① Paul & Thersea Jackson
4306 85th SE
Mercer Island, WA 98040
- ② Jill & Robert Neal
4729 Shellridge Road NW
Olympia, WA 98502

**FLOATING DOCK
PLAN & SECTION****JOINT USERS AND ADDRESSES:**

Nigel & Linda Thomson
2007 Samish Crest Way
Bellingham, WA 98229

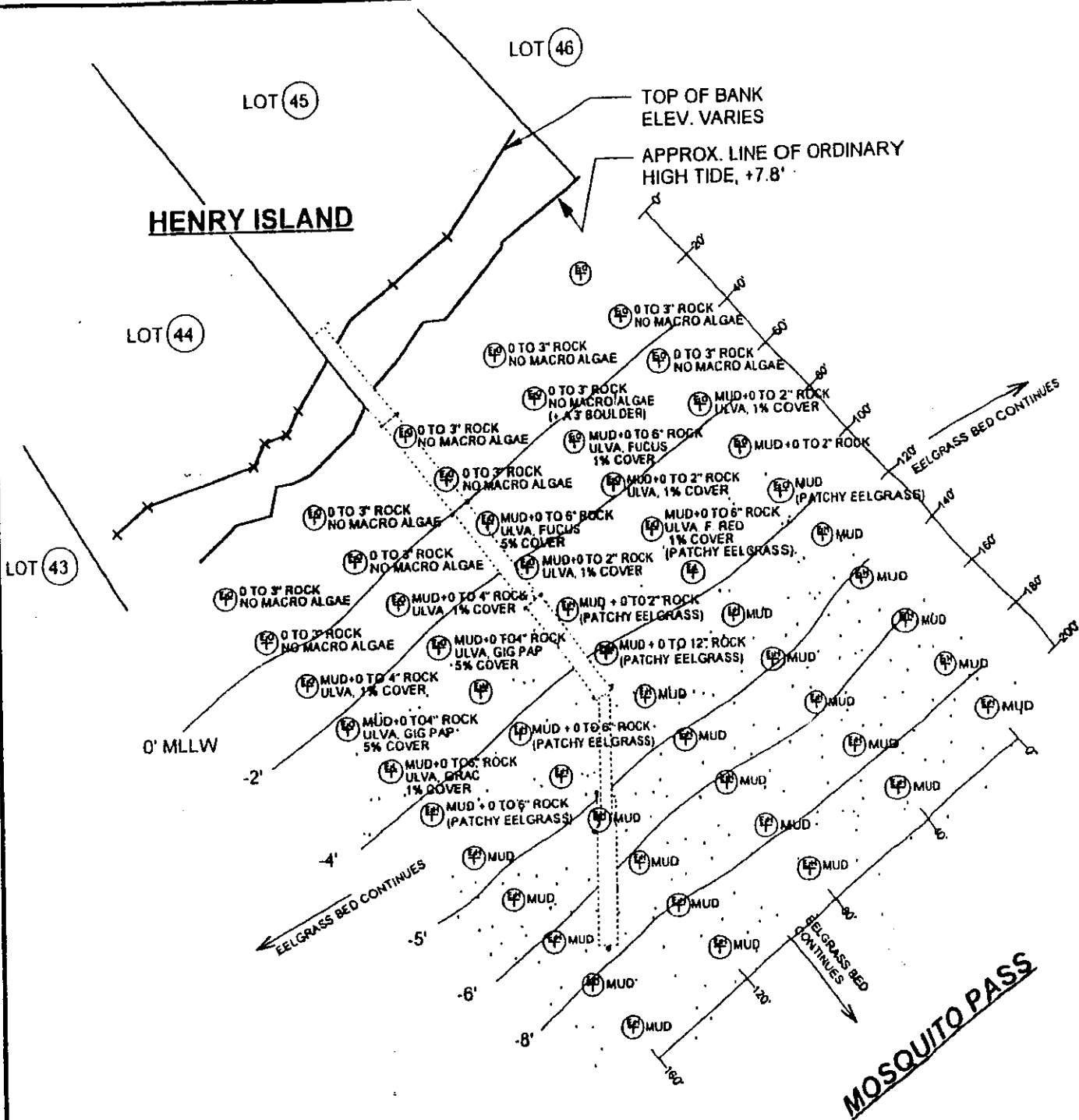
Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

IN: MOSQUITO PASS**AT:** HENRY ISLAND**COUNTY:** SAN JUAN**STATE:** WA

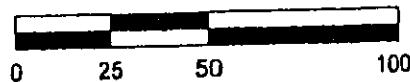
APPLICANT: Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

SHEET 5 OF 7**REV. 2 DEC 05**

GGHC #204808.60



PRELIMINARY EELGRASS MACROALGAE HABITAT SURVEY
FOR: TED MISCHAIKOV
BY: JEN-JAY DIVING INC.
DATE: NOVEMBER 25, 2003



2005-00082 SCALE IN FEET

PURPOSE: CONSTRUCT NEW
JOINT USE FIXED PIER
AND FLOATING DOCK.

DATUM: MLLW = 0.0'

ADJACENT PROPERTY OWNERS:

- (43) Paul & Thersea Jackson
4306 85th SE
Mercer Island, WA 98040
- (46) Jill & Robert Neal
4729 Shellridge Road NW
Olympia, WA 98502

EELGRASS SURVEY

OWNERS AND ADDRESS:

- (45) Nigel & Linda Thomson
2007 Samish Crest Way
Bellingham, WA 98229
- (44) Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

IN: MOSQUITO PASS

AT: HENRY ISLAND

COUNTY: SAN JUAN

STATE: WA

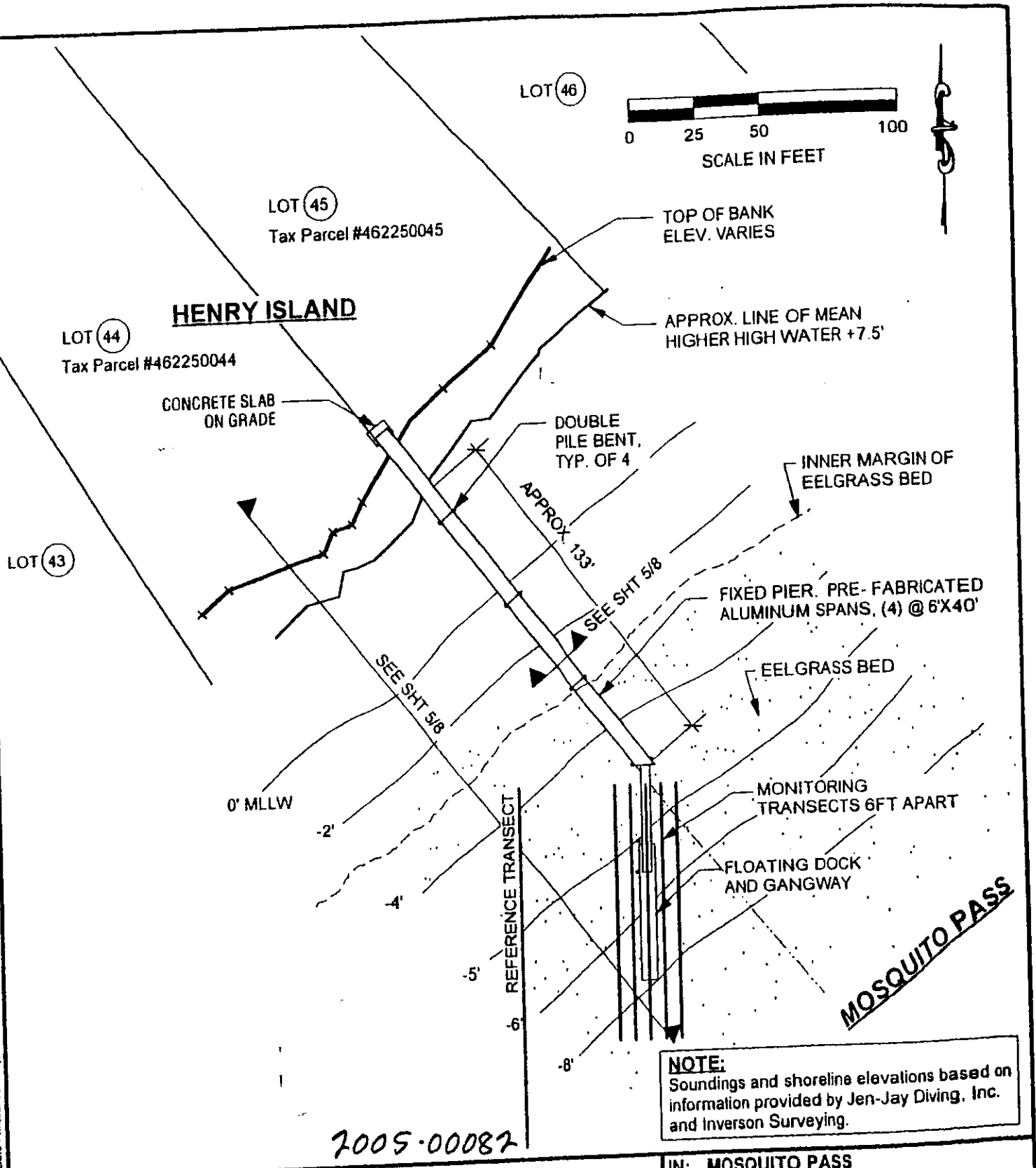
APPLICANT: Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

SHEET 6 OF 7

13 DEC. 04
REV 2 DEC 05

Date Printed: Tuesday, March 29, 2005 9:34:51 AM

s Name: 204808 80 TransactLoca B/R



2005-00082

PURPOSE: CONSTRUCT NEW
JOINT USE FIXED PIER
AND FLOATING DOCK.

DATUM: MLLW = 0.0'

ADJACENT PROPERTY OWNERS:

- (43) Paul & Thersea Jackson
4306 85th SE
Mercer Island, WA 98040
- (46) Jill & Robert Neal
4729 Shellridge Road NW
Olympia WA 98502

**POST PROJECT MONITORING
TRANSECT LOCATIONS**

OWNERS AND ADDRESS:

- (45) Nigel & Linda Thomson
2007 Samish Crest Way
Bellingham, WA 98229
- (44) Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

IN: MOSQUITO PASS

AT: HENRY ISLAND

COUNTY: SAN JUAN

STATE: WA

APPLICANT: Alan & Laurel Back
15908 NE 95th Way
Redmond, WA 98052

SHEET 7 **OF** 7

REV 2 **Dec** 05

GGHC #204808 80



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: April 20, 2006

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200500082 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600